

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

TINA LINDQUIST	:	NO. 04-249E
Plaintiff,	:	
	:	THE HONORABLE
v.	:	SEAN J. MCLAUGHLIN
	:	
HEIM, L.P.	:	
Defendant.	:	

**PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION TO PRECLUDE
PLAINTIFF FROM OFFERING CERTAIN PHOTOGRAPHS DEPICTING THE
PLAINTIFF'S INJURIES**

Now comes the Plaintiff, Tina Lindquist, by and through her undersigned counsel, and files the within Reply and Response to Defendant's Motion in Limine stating as follows:

1. It is admitted that Plaintiff filed a lawsuit after the September 25, 2002 accident in which she sustained serious injuries while using a mechanical press brake at her place of employment, Corry Manufacturing. It is further admitted that at the time of her crushing amputation injury, the Plaintiff was using a Heim Model 70-6 mechanical press brake.

2. It is admitted that this case is scheduled for trial on May 14, 2007.

3. It is admitted that at the video tape deposition of Plaintiff's treating doctor, Dr. John Hood, Plaintiff had marked as Exhibits various photographs depicting

Plaintiff's injuries to her hand which were taken after Plaintiff's initial and subsequent surgeries. It is further admitted that Plaintiff anticipates offering into evidence those photographs as well as other photographs once they have been identified and authenticated by Plaintiff regarding the injuries sustained to her hand.

4. Denied as stated. The photographs taken following Plaintiff's initial and subsequent surgeries accurately depict the way her hands appeared following the initial and subsequent surgeries. It is a legal determination to be made by the Court as to whether the photographs are prejudicial. If the Court determines that the photographs are prejudicial, the Court will then have to make a determination as to whether their probative value is substantially outweighed by any unfair prejudice.

5. Paragraph 5 contains conclusions of law to which no responsive pleading is required. To the extent a response is deemed necessary, paragraph 5 appears to reflect a correct statement of the law.

6. Paragraph 6 contains conclusions of law to which no responsive pleading is required. To the extent a response is deemed necessary, paragraph 6 appears to reflect a correct statement of the law.

7. Paragraph 7 contains conclusions of law to which no responsive pleading is required. To the extent a response is deemed necessary, paragraph 7 appears to reflect a correct statement of the law.

8. Paragraph 8 contains defense counsel's arguments and conclusions to which no response is deemed necessary.

9. Paragraph 9 contains defense counsel's arguments and conclusions to which no response is deemed necessary.

10. Paragraph 10 contains defense counsel's arguments and conclusions to which no response is deemed necessary.

11. Paragraph 11 contains a statement to which no response is deemed necessary.

Respectfully submitted,
DALLAS W. HARTMAN, P.C.

/s/ Dallas W. Hartman
Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the within document was served on the party below in the following manner:

VIA ELECTRONIC FILING:

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DATE: 05/09/07

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